

Wilkinson's restraining order was signed. He added that this was the first day in five weeks that the Department of Justice had not been asked to detail deputy marshals to localities affected by disorder.

**Secretary Hoover Explains.**  
Secretary Hoover, advocating his plan for public protection in future strikes, said:

"There is one fundamental lesson that the public should absorb from this coal situation, and this lesson can be derived without discussion of the rights and wrongs of the demands of either mine workers or mine operators, or the incidents of negotiation in their settlement. This is, a four months suspension of production in the coal industry, while primarily a conflict between employer and employee, brings the public in as the largest sufferer.

"The public is the victim of infinite loss; unemployment extends from it not only to the workers in the industry but to hundreds of thousands outside of it; great damage is done to commerce and industry; public health is jeopardized and a vast wave of crime and defiance of the law has ensued.

"The public has no voice in the negotiations and cannot express itself either as to the right or wrong of the matter. The demands of either side may be just or unjust, but the largest sufferer concerned has no representation in the discussion.

"The working out of a plan under which the public may have a rightful voice in aid of justice and in its own protection is one of the most vital issues before us."

**Proceedings in the Senate.**

The Cummins bill granting to the Interstate Commerce Commission authority to issue priority rights for the shipment of coal to public utilities and certain communities in distress made slow progress today. At the end of a long session when the Senate had great difficulty in the discussion of the measure it was found that there was not a quorum present and for that reason adjournment was declared without vote. In the meantime telegrams were sent to Senators who have left the capital urging their return to vote on the Cummins measure.

The most striking feature of the debate was the observation by Senator King (Utah) to the effect that in his opinion the prevailing high prices of coal were due to the fact that speculators and brokers have bought up the available supplies.

"I am reliably informed that is the case," said the Utah Senator, "and if it is so then we should pass a law making such acts a penal offense, so as to open the doors of the penthouses to men who will be able to get the coal of the nation and its people in a crisis."

Senator King intimated that he would introduce a bill carrying out his ideas on the subject.

**Senator Kellogg's Query.**

During the debate on the bill Senator Kellogg (Maine) exclaimed: "Is this to be a Government by law or by force and intimidation?"

He said that while the President proclaims that the Government establish an agency to buy and sell coal as a means of regulating prices it would require from sixty to ninety days to get the machinery to do anything of the kind. He added: "By that time the emergency would be over and the damage done before the remedy could be applied."

The Minnesota Senator declared that the enactment of the Cummins bill would to a large extent, in his judgment, prevent profiteering in coal and would meet the present emergency.

"Unless some action is taken," he added, "many of the public utilities throughout the nation will have to be closed down for lack of coal. The high prices which would be asked by the mines for coal which they are limited by law in the price they can charge for their commodities."

Referring to the transportation question, the Minnesota Senator observed that it will be impossible to move enough coal for the public utilities and other real necessities unless priority rights are established under the Interstate Commerce Commission.

"While I am opposed to paternalism," he added, "under the circumstances I have no objection to this action being justified."

He pointed out that under the agreement made with Secretary Hoover last May certain mines are supplying coal at the mines for \$2 and \$3 a ton, while the mines which would not enter into such an agreement are charging from \$6 to \$9 a ton. He said that while it was fair that the operators should make a fair profit, no one could justify a profit of from \$4 to \$5 a ton on coal at the mines.

**Kellogg Amendment Adopted.**

An amendment proposed by Senator Kellogg making the Government bill applicable to vessels used as inland coal carriers adopted in interstate commerce was adopted.

A heated debate developed over an amendment proposed by Senator Sutherland (W. Va.) to the effect that nothing in the Cummins bill should invalidate contracts made prior to its enactment and that the amendment should be denied to any shipper of coal because of any price he might agree to pay.

Sensors Cummins, Kellogg and Leonard took the position that the adoption of that amendment would invalidate the whole purpose of the Cummins measure. Senator Reed (Pa.) supported the Sutherland amendment, saying that if the buyer and seller were satisfied with the price agreed upon he did not think it proper for the Interstate Commerce Commission to step in and prevent the sale of cars for the shipment of such coal.

**TRY AGAIN TO WRECK TRAIN FROM NEW YORK**

Atlantic Coast Line's Flyer Just Misses Bomb.

JACKSONVILLE, Fla., Sept. 5.—A second attempt within ten days to dynamite the Atlantic coast line bridge over Fishhawk Creek on the southern outskirts of the city was reported to the sheriff's office soon after 10 o'clock to-night.

The Palmetto Limited, New York to Tampa, was approaching the trestle when the explosion occurred. The engineer stopped the train at the bridge, examined the structure and finding it safe proceeded southward. Windows within a large area were shattered.

**FOUND ANYTHING?**

It so, see if it is in the Lost and Found column of to-day's New York Herald.

## HOWAT'S FOLLOWERS MENACE COAL PEACE

### Two Pennsylvania Leaders Campaign to Prevent Ratification.

### SOLD OUT, THEY SAY

### Radicals Charge Pepper-Reed Proposal Ignores Shamokin Demands.

### STRONG DRIVE AT LEWIS

### Belief Prevails Conservatives Will Force Approval by Margin of Sixty.

**Special Dispatch to THE NEW YORK HERALD.**

WILKES-BARRE, Sept. 5.—Radicals in the ranks of the United Mine Workers of America are making a well-organized effort to prevent the organization from accepting the Pepper-Reed plan for settling the hard coal strike when the tri-district convention opens here to-morrow afternoon at 2 o'clock. Insurgent leaders are Rinaldo Cappillini and Alex Campbell, who booted the Lewis administration at the Indianapolis convention and supported Alex Howat, turning over the votes of a large number of anthracite delegates to the support of the fiery Kansan. Cappillini is bitter in his attacks on the miners' administration and from the platform to-day he openly charged that the international officers had "sold out" the mine workers.

George Isaacs, vice-president of District No. 1, has booted the organization and joined the insurgents in an effort to prevent ratification of the Pepper-Reed plan. Several local unions, mainly in the control of radicals, have already instructed their delegates to vote against ratification of the peace offer as approved by the international officers and the district leaders.

**Radical Element's Charge.**

The radical element is charging that the Pepper-Reed plan ignores all the nineteen demands of the Shamokin convention, and they say that the miners have not won a thing, but that the operators have emerged victors after a five months strike that has been costly to the miners and the public.

Campbell, who is a member of the general scale committee, declares he voted against acceptance of the tentative agreement on the ground that it does not provide for a universal eight hour day or the check-off. He waged a fight in committee until the early hours of yesterday morning, and announced that he will muster every vote he can in the convention for bringing about rejection of the proposed pact.

Campbell, Cappillini, Isaacs and several of the lesser lights in the camp of the radicals are touring the entire upper anthracite field. They are busy day and night attacking the administration of Lewis, and in telling the miners that the Pepper-Reed proposal offers them nothing more than bitter defeat.

In sections that have been considered organization strongholds there is a growing sentiment against the peace offer because the contract does not provide for the old wage scale for a period of two years. Several local unions that have always supported the leadership of the union are threatening to bolt on this ground. This is lending encouragement to the strike at present the opportunity to break into several places they could not otherwise control.

**Conservatives Disappointed.**

On the eve of the convention the leadership of Lewis and his aids is seriously threatened. Many conservatives are disappointed over the duration of the proposed contract and also that the Shamokin demands are ignored.

The union leadership, however, declares that the Pepper-Reed plan will be ratified and that the men will be back in the mines on Monday next. The administration is rightly making much of the fact that the radical element has seized upon the situation in a political way with the hope of influencing future elections within the organization.

President W. J. Brennan of District No. 1, declares that the peace program will be ratified.

He says the miners got the very best they could after a long and costly fight. He adds that the men did not get what they were entitled to, but he has confidence the miners are his and broad enough to settle the strike in their own best interests.

Other union leaders say there will be a warm contest in the convention, but that after the radicals have had their fling the Pepper-Reed plan will be adopted by a substantial vote. Based on the result of the anthracite vote at the Howat-Lewis scrap at Indianapolis the administration is forces should triumph over the radicals by a margin of sixty votes. That margin is so small as to be uncomfortable.

### UNTERMYER CABLES INJUNCTION IS UNSOUND

### Gompers Gives Out Message Received From Lawyer.

PHILADELPHIA, Sept. 5.—Samuel Gompers, president of the American Federation of Labor, left Philadelphia to-night by automobile for Atlantic City to confer with leaders affiliated with the federation.

Before leaving Mr. Gompers made public a copy of a cablegram from Samuel Untermyer, dated London, in which the New York lawyer said:

"Amazed, incensed at railway injunction. If properly reported judiciously sound. Sailing to-morrow."

Mr. Gompers attended a meeting here to-day of the Cigarmakers International Union, of which he is a member. A resolution was passed by the executive board of the cigarmakers' organization expressing "sympathy and support of the cause of the striking railway shopmen."

This resolution requested G. W. Perkins, international president of the cigarmakers, to transmit this sentiment to the officers of the railway employees' department of the American Federation of Labor.

## New Fuel Administrator

Underwood & Underwood.

W. H. Woodin of New York City appointed by Gov. Miller to act as State fuel administrator.

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## UNIONISTS HERE ASSESSED DAY'S PAY ON ROAD SHOPMEN

Continued from First Page.

lect the assessment from their membership and forward the same AT ONCE to the secretary of the Central Union of Railway Employees.

Resolved, That a copy of this resolution be forwarded to the press and to President Gompers of the American Federation of Labor, with the request that he call together a conference of representatives of all national and international union and other cooperating organizations and that this conference take such action as may be necessary to protect and safeguard the rights of the millions of organized workers of America.

John Sullivan and William F. Kehoe, president and secretary of the Central Union of Railway Employees, issued the following statement:

"The executive committee has framed this resolution to meet an overwhelming demand for action by the rank and file of our constituent unions. The Attorney General has made the railroad strike a live issue in every local union in town. This strike is now a personal matter to hundreds of thousands of workers in this district who had no real interest in it before."

"They argue this way. If a court in Chicago to-day can restrain a railroad worker from writing a letter or making a telephone message to a non-union friend about the strike, a court in New York may do the same thing to-morrow to a compositor or a cloak maker or a butcher. The only thing that this injunction does not enjoin a shopman from doing is talking in his sleep."

"Even in war times there was no such wholesale denial of the rights of free speech and free assembly as there is in this injunction. If injunctions like this are actually enforced the right of strike will go glimmering and with it the bargaining power of organized labor."

"Workers in every trade all over the

country are now back of the railroad shopmen. The shopmen's fight has become their fight, and they know it. If the railroad executives can smash the shop unions with the help of the Government and such injunctions as this, no union can tell when its turn will be next."

"Here is a union smashing combination that challenges the fighting spirit of every free American worker. It is up to the American Federation of Labor to put this spirit into action. The shopmen have every resource of the labor movement at their command. Their women and children must be fed even though their funds are enjoined. The strike is a success though their leaders are thrown into jail. They must win or we will lose."

T. DeWitt Cuyler, chairman of the Association of Railway Executives, cut short his vacation at the Harbor and returned to the city yesterday. His return, it was said, presages an official statement from the executives as to their position and the effect the Daugherty injunction will have on the strike.

L. F. Loree, chairman of the Eastern President's Conference, issued figures on gains in shop forces for the past six weeks, showing that on September 1 the Eastern shops were 75.86 per cent. normal in respect to the number of men employed.

The executives association gave out the following figures:

"Coal loadings totaled 25,826 cars on Friday, September 1, according to reports just received from the rail carriers of the country. This was a reduction of 2,261 cars compared with the preceding day. It was, however, 2,269 cars in excess of the average daily loadings for September last year, and 2,747 cars above the average daily loadings for August this year."

"The Eastern and Northwestern districts reported increases in the number of cars loaded with coal on Friday over the previous day, but small reductions were reported in coal loadings in the other districts compared with the day before."

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## DAY PROBABLY NEXT TO QUIT HIGH COURT

Continued from First Page.

White House Says One of Two Democrats Left Plans to Resign.

IS MIXED CLAIMS UMPIRE MAY GIVE FULL TIME TO INTERNATIONAL TASK—SUTHERLAND CONFIRMED.

Special Dispatch to THE NEW YORK HERALD.

New York Herald Bureau, Washington, D. C., Sept. 5.

William R. Day, Associate Justice of the Supreme Court, is contemplating resignation. Announcement to this effect was made at the White House to-day.

It was stated that the formal resignation had not come to the President and probably would not be submitted until Justice Day has ascertained how long his services would be required on the Mixed Claims Commission, of which he is umpire by appointment of President Harding.

The announcement of the probable resignation of Justice Day was coincident with the confirmation by the Senate of former Senator George Sutherland of Utah to succeed Justice John Hessin Clarke, whose resignation was made public yesterday.

Senator Sutherland's appointment was confirmed unanimously by the Senate in an open session a few minutes after President Harding had sent in the nomination.

It would take the claims commission a year or more to pass on the tangle of matters before it, the State Department estimated.

Justice Day was 73 years old last April. Because of his age, it is regarded as doubtful if he could stay on the bench after his work as umpire is finished. There is every probability, therefore, that he will resign.

The succession of Justice Sutherland to Justice Clarke's place divides the Supreme Court seven to two as between two political parties, seven being Republicans and two Democrats. While the Supreme Court in its official capacity is outside politics, it is the usual custom to maintain a more even balance in appointments.

For that President Harding may decide to appoint a Democrat in the event Justice Day does resign.

Speculation as to who would be nominated in his place is just getting under way. In some quarters it was hinted that the President might appoint Senator John K. Shields of Tennessee, if he declines the Federal Reserve Bank of New York, minority leader of the Senate, also was mentioned, but Senator Shields was given prominence.

Senator Shields accepted three months of the League of Nations fight. He was one of the uncompromising opponents of the league and was always in the forefront of the "bitter enders."

**PLACE \$551,000 VALUE ON CROMWELL ESTATE**

Executors Bewail Trials With Mother of Two Heirs.

An estate of more than \$500,000, invested principally in real estate, was valued at slightly more than 2 per cent, was revealed yesterday in the Surrogate's Court by Clarence H. Fay and Benjamin C. Glover, executors of the will of the late John Cromwell, who died twelve years ago.

They said the estate, was worth \$551,000. Late in 1910 it earned an income of \$12,500, which was divided between the two heirs, Mrs. Louise C. Glover and Mrs. Florence C. Horton of New Rochelle.

One of the parcels of land owned by the estate, situated on the shore of the Harlem River at 140th street, was appraised last year at \$85,000, paid taxes amounting to \$3,300 and brought an income of \$1,800. The land is used by a power company for storage purposes.

The executors review the difficulties which have been encountered in the estate since the death of Mrs. Hannah Cromwell, mother of the present heirs, who died in July, 1910. Her unfamiliarity with business methods, they said, and her failure to account for her treatment of the estate, made their task more difficult.

**FORD SHOPS, PREPARING TO CLOSE, RUN FULL TILT**

No Change in Plans for Shut Down on Sept. 16.

DETROIT, Sept. 5. (Associated Press).—Plaza of Henry Ford to close his automobile plants here September 16, throwing 70,000 men out of employment, have not been altered, and preparations are being made for the shutdown. It was stated by high officials of the company to-day.

The statement was in reply to a report that a way had been found to bring coal from the Ford owned mines in Kentucky to Detroit. No solution of the company's coal problem has been reached, and Mr. Ford is standing firm in his determination to shut down when he terms "exorbitant" prices, insisting that there is no coal shortage.

A published report that the Ford company was spending money to catch up on orders before the shutdown was met with this statement from a high official of the concern:

"We are running at top speed now and have been for some time. It would be impossible to go much if any higher."

**FIRE DRIVES 100 FROM HOTEL IN ARVERNE**

Blaze Starts in Bakeshop, Spreads Rapidly.

More than a hundred persons were compelled to leave the Colonial Hotel at Beach Sixty-fourth street and the ocean, Arverne, Queens, early this morning when fire was discovered in the bakery shop by the watchman.

Policemen went from room to room notifying the people in the house and all of them were downstairs safely. Three alarms were sent in and the fire was confined to the first and second floors.

**TWO DRY AGENTS DISMISSED.**

Had Worked at Flatbush to Watch Run Runners.

Before leaving for Washington yesterday, Ralph W. Day, Prohibition Director, announced that George Huggins and Lee A. Orton, agents of the local forces assigned to watch run runners from Canada at Flatbush, had been dismissed from the force. Beyond saying that it was for the "good of the service" Mr. Day would offer no explanation.

## LA FOLLETTE AHEAD BY A BIG MAJORITY

Continued from First Page.

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